

***City Council
Legal Review Committee
Meeting Agenda***

**January 4, 2018
City Hall, Spruce Room
4:00 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes October 26, 2017
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Draft City Council Rules of Procedure
- VII. Lawsuit Settlements/Litigation Updates
- VIII. Discussion Items for Next Meeting
- IX. Adjourn

***City Council
Legal Review Committee
Meeting Minutes***

**October 26, 2017
749 Main Street
4:00 PM**

Call to Order – Mayor Pro Tem Lipton called the meeting to order at 4:00 PM.

Roll Call: The following members were present:

***Committee Members: Chris Leh, City Council (arrived at 4:15)
Sue Loo, City Council
Jeff Lipton, Mayor Pro Tem***

***Staff Present: Meredyth Muth, City Clerk
Sam Light, City Attorney***

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF MINUTES

Approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

DISCUSSION/DIRECTION – DRAFT CITY COUNCIL RULES OF PROCEDURE

Committee members and staff reviewed the third draft of the rules of procedure. They reviewed each section discussing the language and making suggestions.

Staff will incorporate today's changes into the next version. That draft will be presented for full Council consideration at the December 5 Regular City Council Meeting.

LAWSUIT SETTLEMENTS/LITIGATION UPDATES

City Attorney Light gave a short litigation update.

Mayor Pro Tem Lipton suggested the Committee cancel the December 21 Committee meeting unless something comes up that must be discussed. Members were in agreement.

ADJOURN

The meeting adjourned at 5:30 pm.

SUBJECT: DISCUSSION/DIRECTION – DRAFT CITY COUNCIL RULES OF
PROCEDURE

DATE: JANUARY 4, 2018

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Attached is the most recent draft of the City Council Rules of Procedure with redlines and comments from the December 5 City Council meeting. Staff suggests the Committee review those comments and make any changes or recommendations based on the conversation from December. The next draft will be presented to the full City Council at the February 6 meeting.

FISCAL IMPACT:

None.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Redlined version showing changes from 12/5/17 Committee meeting



CITY COUNCIL

RULES OF PROCEDURE

adopted _____
by Resolution _____

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RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO

I. DEFINITIONS

“Charter” means the [Home Rule Charter of the City of Louisville, Colorado](#).

“Chair” means the Mayor or member of the Council who presides over a meeting, special meeting, executive session, or study session of the City Council, subject to Rule III I below.

“City” means the City of Louisville, Colorado.

“Code” means the Louisville Municipal Code.

“Council” or “City Council” means the body constituting the City Council of the City, consisting of six (6) Councilmembers and the Mayor.

“Councilmember” means each member of the City Council except the Mayor.

“Emergency” means a matter which could not have been reasonably anticipated or foreseen and on which immediate action is genuinely and urgently necessary for the preservation of the public health, safety, or welfare.

“Entire Council” means all of the seven (7) members of the City Council.

“Member of the Council” means the Mayor and each Councilmember.

“Rules” means the City Council Rules of Procedure.

II. AUTHORITY

The [Home Rule Charter of the City of Louisville](#) provides that the Council may determine its own rules of procedure for meetings. The following Rules shall be in effect upon their adoption by the Council until such time as they are amended or new Rules adopted.

In order to efficiently and effectively complete City business facing the Council, all meetings must be conducted in an orderly and respectful manner. These Rules are intended to provide guidelines for the procedures to be followed for the conduct of Council meetings.

If any Rule, on its face or as applied, conflicts with applicable provisions of the Charter or ordinances, those provisions shall apply and that Rule shall not.

III. GENERAL RULES

- A. LOCATION: All Council meetings shall take place in a public building that is accessible to members of the public, with or without reasonable accommodation in accordance with applicable law.
- B. OPEN TO THE PUBLIC: All meetings and study sessions shall be open to the public. The Council may conduct executive sessions in compliance with the Charter, Code, and applicable provisions of the Colorado Open Meetings Law.
- C. MEETING NOTICE: Notice for all meetings and study sessions shall be given as required by the Charter. At the first regular meeting of every year, the City Council shall designate the locations for posting of notices of its meetings.
- D. MINUTES: Minutes of each regular and special meeting shall be taken and retained permanently in the records of the City. A summary shall be prepared for each study session.
- E. QUORUM: A quorum is needed for the transaction of business at each regular and special meeting of the Council. A quorum shall be defined as a majority of the members of the Council holding office at the time of the meeting.
- F. ABSENCES: No member of the Council shall have more than six (6) absences from regular Council meetings during any period of twelve (12) consecutive calendar months. The date of the seventh (7th) absence shall be deemed to be the date on which the office was vacated.
- G. APPLICABILITY OF THE CODE OF ETHICS: Each member of the Council shall adhere to the Code of Ethics (Charter Section 5-6).
- H. DISCLOSURE OF INTEREST AND RECUSAL: Any member of the Council who has an interest in, or whose interest would be affected by, any proposed official action before the Council shall immediately and publicly disclose the nature and extent of the interest; shall not participate in any discussion or decision concerning the proposed action; shall not attempt to publicly or privately influence the City Council, any public body,

or any employee in connection with the action; and shall leave the room where the discussion or decision is taking place during the time the proposed action is being discussed and the decision is being made.

- I. CHAIR: The Chair is the member of Council who presides over a Council meeting and shall do so according to these Rules and applicable law. The Mayor serves as Chair of all Council meetings at which the Mayor is present. In the Mayor's absence, the Mayor Pro Tem will serve as Chair. In the absence of both the Mayor and Mayor Pro Tem, then the Councilmember with the greatest seniority on Council, followed by alphabetical order, will serve as Chair.

IV. MEETINGS

- A. REGULAR MEETINGS: Council shall hold regular meetings twice each month. Regular meetings shall be conducted on the first and third Tuesday of the month, excluding holidays, and shall convene at 7:00 p.m. unless another day or time is set by prior approval of a majority of the Council. A regular meeting may be held on at least seventy-two (72) hours written notice.
- B. SPECIAL MEETINGS: A special meeting shall be called by the City Clerk on the request of any four (4) members of the Council, and shall be held on at least forty-eight (48) hours written notice. In addition to other means, a request for a special meeting may be effected by e-mailing such request to the City Clerk or by a motion approved a majority of the entire Council.
- C. EMERGENCY SPECIAL MEETINGS: An emergency special meeting shall be called by the City Clerk on the request of the City Manager or any four (4) members of the Council and shall be held on at least twenty-four (24) hours written notice to each member of the Council. In addition to other means, a request for an emergency special meeting may be effected by e-mailing or telephoning such request to the City Clerk. Each person requesting the meeting must have determined that the meeting is urgently necessary to take action on an unforeseen matter requiring immediate action; and the basis for the determination shall be stated in the notice of the meeting.

The Council shall not take action on any item of business at any special meeting unless the item to be acted on has been stated in the notice of the meeting; or the item to be acted on is reasonably related to the item which was stated in the notice of the meeting.

- D. **STUDY SESSIONS:** The purpose of study session meetings is to enable the Council to obtain information about and discuss matters of public business in a less formal atmosphere. No preliminary or final policy decision, fiscal decision, rule, regulation, resolution, ordinance, action approving a contract, action calling for the payment of money, or other formal action shall be made or taken at any study session.

At any study session, any member of the public who in good faith believes that a study session is proceeding in violation of this section IV.D shall be entitled to submit a brief written objection to the Chair of the study session; the written objection shall specify the grounds for the objection. The Chair shall exercise discretion in determining whether the study session complies with this section, and shall conduct the study session in accordance with that determination.

Study sessions are generally held on the 2nd and 4th Tuesday of each month.

- E. **EXECUTIVE SESSIONS:** It is the policy of the City that the activities of City government should be conducted in public to the greatest extent feasible in order to assure public participation and enhance public accountability. The Council may hold an executive session only at a regular or special meeting and for the sole purpose of discussing topics approved by the Charter.

Adoption of any proposed policy, position, resolution, rule, regulation, or formal action, or informal or "straw" vote, shall not occur at any executive session.

Executive Session Procedure:

1. A request for an executive session may be made only by a member of the Council, the City Attorney or other attorney representing the City, the Municipal Judge, or the City Manager.
2. The request to go into an executive session shall be made in an open session at a regular or special meeting of the Council. The requesting party shall give as detailed and specific a statement as possible avoiding disclosure of any confidential matters, as to the topic or topics to be discussed and the reasons for requesting an executive session.
3. Immediately after a request to go into an executive session, and prior to any motion to go into executive session, the City Clerk shall read the

statement concerning executive sessions required by the Code.

4. The executive session shall only be held upon an affirmative vote of two-thirds (2/3) of the entire Council. A separate vote shall be held on each topic requested to be considered in the executive session. Following the vote and immediately prior to retiring into the executive session, the Mayor (or Mayor Pro Tem, as the case may be) shall announce the topic or topics of the executive session.
 5. Immediately upon retiring into the executive session, the requesting party shall explain in detail the nature of the topic and the reasons for requesting the executive session. Those in attendance may then discuss the propriety of the executive session.
 6. Before any discussion on the merits of any topic in the executive session, the City Attorney or other attorney representing the City shall give an opinion as to the propriety of the executive session and shall provide guidelines as to the limitations that apply to the discussion.
 7. At any time, any participant may object to the continuation of the executive session. Upon the making of such objection, all discussion shall cease, and the Council shall reconvene in an open session for the purpose of determining the propriety of continuing the executive session. An affirmative vote of two-thirds (2/3) of the entire Council shall be required to continue the executive session.
 8. Upon completion of the executive session, the Council shall reconvene in an open session. The person who requested the executive session shall provide as detailed an explanation as allowed by law without disclosing any confidential matter or any matter which would adversely affect the City's interests, and shall announce what procedure, if any, will follow from the executive session.
 9. Discussions that occur in executive session shall be recorded, and access to the record shall be provided, in the manner and to the extent provided in the State statutes concerning open meetings and the State statutes concerning open records.
- F. SOCIAL GATHERINGS: Social gatherings, at which the discussion of public business is not the central purpose, are not subject to any of these Rules or other meeting requirements.

- G. RESCHEDULING: The Council may reschedule meetings for dates and times outside its regular meeting schedule to avoid holidays, elections, and other matters, to achieve a quorum, or to allow for additional time for a meeting. To reschedule such meetings, the Council first must provide notice and approve of the proposal to reschedule. Notice to reschedule a meeting may be given on any regular or special meeting agenda.
- H. CANCELLATION: Any scheduled meeting may be cancelled by the Mayor with the consent of three (3) Councilmembers in the event unforeseen emergent conditions exist which make conduct of the meeting impractical (for example, in the case of power outage) or travel to the meeting unduly hazardous (for example, in the case of blizzard conditions). In the event of such cancellation, all agenda items for such meeting shall not abate but shall be deemed continued to next regular meeting of the Council.

V. MAYOR AND MAYOR PRO TEM

- A. The Mayor shall preside over meetings of the Council when present and able to perform mayoral responsibilities. The Mayor shall have the same voting powers as any Councilmember.
- B. By the affirmative vote of a majority of the entire Council, a Councilmember shall be appointed as Mayor Pro Tem, for a two-year term, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

VI. MEETING PROCEDURE

A. PREAMBLE

- 1. A bedrock principle of a representative democracy is notice of impending governmental action and an opportunity for members of the public and their representatives to be heard. Principles of good government include deep respect for citizens; prudent stewardship of public resources, including the time of its citizens, staff members and elected officials; direction that is clear and decisive; and decision making that is reasonably consistent, equitable, flexible, and transparent.
- 2. Through the application of these Rules, Council intends to ensure that it balances the principles described in the previous section in a way that ensures robust debate and accountability of City government to its residents. To that end, these procedures are not

meant to be employed for the purpose of unreasonable rigidity, surprise, suppression of competing views, or needless prolonging of action.

- B. CHAIR'S DISCRETION & RIGHT OF APPEAL Council intends that the Chair shall have reasonable discretion in the application of these procedures subject to section VII.A.
- C. ORDER OF BUSINESS AT REGULAR MEETINGS: The order of business at regular Council meetings shall be as follows; however, Council in its sole discretion may adjust such order to accommodate schedules or when otherwise deemed appropriate.
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. APPROVAL OF AGENDA
 4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
 5. CONSENT AGENDA
 6. COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA
 7. CITY MANAGER'S REPORT
 8. REGULAR BUSINESS
 9. CITY ATTORNEY'S REPORT
 10. COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS
 11. ADJOURNMENT
- D. CONSENT AGENDA: The Consent Agenda contains items considered routine and shall be approved, adopted, accepted, or otherwise acted upon, by motion of the Council and voice vote for approval of the Consent Agenda, unless the Mayor or a Councilmember specifically requests an item be considered under Regular Business. Items removed from the Consent Agenda and considered under Regular Business will be placed in the agenda order as determined by the Chair.

If the City Council fails to approve the consent agenda, each item will be added to the regular agenda and considered individually.

E. PUBLIC COMMENTS: The following provisions apply to any section of the agenda where public comments are allowed.

1. All regular and special meetings of the Council shall be open to the public. Members of the public shall have a reasonable opportunity to be heard at each meeting. The Chair may permit public comment on any item at the time such item is being considered by the Council.
2. Regular meetings include specifically designated times for citizens to make public comment. Each speaker shall be limited to three (3) minutes.
3. The Chair may exercise discretion and permit multiple citizens to designate someone to speak for them and aggregate their three-minute limit time up to a maximum of six (6) minutes of speaking time for their designated spokesperson. Those pooling their time must be physically present, identify themselves, and designate their spokesperson.
4. On any item with a second round of public comments, during such second round each speaker shall be limited to two (2) minutes and time may not be pooled.
5. The public comment clock shall be controlled by the City Clerk.

Comment [MM1]: Discussion on this ranged from increasing the pooled time to 15 minutes to leaving it as written. Generally most members thought six to ten minutes might be ok.

Comment [MM2]: Some members liked two and others wanted three minutes.

F. WRITTEN COMMUNICATIONS: Interested parties, or their authorized representatives, may address the Council by submitting written communication concerning any matter on the Council agenda. Such a written communication may be submitted by electronic mail or by addressing the communication to the City Clerk who will distribute copies to the Council. The communication will be entered into the record without the necessity of reading. A copy of the communication shall be posted at the meeting for the public to review. Anonymous written communications will not be accepted into the record.

G. ACTION: The Council shall act only by ordinance, resolution, or motion. Each action shall be recorded in the minutes of the meeting. The Council may select the appropriate form for its action, except where a specific form is required by the Charter or the Code.

G.H. Members may take the following actions on an item: approve, deny, continue to a date certain, or make a motion to take no further action.

Comment [MM3]: Sam, these items were mentioned at the meeting. Are there others that should be included.

~~H.I.~~ VOTING:

1. Resolutions and motions require the affirmative vote of a majority of the members of the Council present.
2. The final adoption of any ordinance shall require the affirmative vote of a majority of the entire Council.
3. Any member of the Council absent from a session of a quasi-judicial hearing of the Council shall not vote on the matter(s) that was the subject of such hearing, unless the member of the Council has first listened to or viewed the recording of the earlier session of the hearing from which the member of Council was absent.
4. A member of the Council shall not attend or watch any quasi-judicial hearing of any lower tribunal of the City in which the lower tribunal considers any matter which may be submitted to Council through the hearing process or an appeal. If a member of the Council does attend or watch such a hearing, he or she shall recuse himself or herself from consideration of the matter if it comes before the Council.
5. No member of the Council shall vote on any matter concerning the member's own conduct.
6. Each member of the Council's vote on an ordinance or resolution shall be recorded in the minutes.

~~6.7.~~ The following items require the approval of a supermajority of the City Council to pass:

~~I.J.~~ ORDINANCE REQUIRED: The following acts of the Council shall be by ordinance:

1. Authorizing the borrowing of money, imposing a new tax, increasing a tax rate, or approving a lease-purchase agreement;
2. Approving any transfer of fee ownership in real property owned by the City;
3. Approving any transfer of water rights owned by the City; or

4. Establishing any regulation for violation of which a fine, imprisonment, or both may be imposed.

J.K. ORDINANCES PROCEDURE:

1. Adoption Procedure – Non-Emergency Ordinances

- a) First Reading: The ordinance shall be introduced by motion at a regular or special meeting of the Council and shall be read by title. The Council shall vote to amend, adopt, or reject the ordinance, or take such other action as it deems appropriate. If the ordinance is adopted on first reading, it shall be published in full as required by the Charter.
- b) Second Reading: The ordinance shall be introduced by motion at a second regular or special meeting of the Council, which shall be held not earlier than four (4) days after the first publication. The Council shall vote to amend, finally adopt, or reject the ordinance, or take such other action as it deems appropriate. Upon final adoption, the ordinance shall be published by title; however, if the ordinance is amended prior to final adoption, the amendment shall be published in full. If published by title, the ordinance shall contain a notice that copies of the full ordinance are available at City offices.

2. Adoption Procedure – Emergency Ordinances

- a) The Council may finally adopt an ordinance on an emergency basis without necessity of two readings and prior publication under circumstances constituting an emergency when expedited Council action is required.
- b) An emergency ordinance may be introduced and finally adopted at any regular or special meeting after only one (1) reading and need not be published before final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full.
- c) An emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the entire Council. The facts showing the emergency shall be specifically stated in the ordinance.

3. Public Hearing

- a) No ordinance shall be adopted without first holding at least one (1) public hearing on the ordinance.
- b) Except for an emergency ordinance, the public hearing shall be held at the meeting at which the ordinance is to be considered on second reading, and prior to Council action on second reading. The public hearing on an emergency ordinance shall be held at the meeting at which the emergency ordinance is to be considered.
- c) The Chair shall provide at least one (1) opportunity for public comments on the ordinance prior to the initial Council discussion of the ordinance. Therefore, if any member of the Council desires Council discussion of the ordinance at the time of first reading, the Chair shall afford an opportunity for public comments prior to Council discussion and action on first reading.
- d) The Chair shall provide at least one (1) additional opportunity for public comments on the ordinance following the initial Council discussion but before Council action on the ordinance.

VII. **PARLIAMENTARY PROCEDURE**

- A. POINTS OF ORDER: The Chair shall determine all points of order, subject to the rights of any member of the Council to appeal to the Council, in which case the point of order shall be resolved by vote of a majority of the members of Council present.
- B. RIGHT OF THE FLOOR: Any member of the Council desiring to speak shall be recognized by the Chair.
- C. CLOSE OF PUBLIC COMMENT PERIOD: The Chair shall close the public comment period of a public hearing prior to any motion being made. The public comment period shall stay closed during Council discussion unless the Chair determines the public comment period shall be reopened for the receipt of new information.
- D. **MOTIONS**: Motions may be made by any member of the Council, including the Chair, provided that before the Chair offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any

Comment [MM4]: Would like to include a chart of common motions and a description of which motions are debatable or not.

member of the Council, other than the person offering the motion, may second a motion.

E. PROCEDURES FOR MOTIONS: The following is the general procedure for making motions:

1. Before a motion can be considered or debated it must be seconded; however, no action taken shall be invalidated simply because a motion was not properly made, seconded or recorded.
2. A member of the Council who wishes to make a motion should do so through a verbal request to the Chair.
3. Once the motion has been made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and thereafter to any member of the Council recognized by the Chair.
4. Once the matter has been discussed and the Chair calls for a vote, no further discussion will be allowed; provided, however, that members of the Council may be allowed to explain their votes.

F. AMENDMENTS TO MOTIONS: Once a motion has been made and seconded, any member of the Council who did not make or second the motion may offer an amendment to the motion. If the members of the Council who made and seconded the original motion accept the offered amendment, then the motion shall be considered amended without necessity of a separate motion on the “friendly amendment” and the Council may then vote on the original motion, as amended. If such an offered “friendly amendment” is rejected by either of the members who made or seconded the original motion, then a Council vote shall be taken on the proposed amendment. No original motion shall be amended more than two (2) times, either by a friendly amendment or amendments adopted by Council vote.

Comment [MM5]: Request to make this “Council shall strive to assure that . . .

G. SUBSTITUTE MOTIONS: Any member of the Council shall have the right to make a substitute motion. Such a motion shall be offered only to substitute a new motion for the entirety of a pending motion. A substitute motion requires a second, may be amended in accordance with previous section, and shall take precedence over the original motion.

Comment [MM6]: Question came up “what happens if a substitute motion is not passed?”

H. DISCUSSION: Speakers shall confine themselves to the question under discussion. All discussion must be germane to the agenda item.

I. MOTION TO END DEBATE: Any member of the Council may make a motion to end debate (also known as “calling the question”). If such a motion is made and seconded, the Chair shall immediately call for a vote on the motion. If the motion is not approved by 2/3 of the members of the Council present and voting, the Chair shall allow for debate to continue. If the motion is approved, the Chair shall call for a motion on the matter under consideration.

J. ALL MEMBERS MAY SPEAK: Each member of the City Council will be provided the chance to speak and ask questions prior to taking a vote.

K. AFTER VOTING: Once a vote has been taken, there shall be no further discussion on that motion or Agenda item unless a motion to reconsider is properly made, seconded, and adopted.

L. MOTION TO RECONSIDER:

Comment [MM7]: Who can call a motion to reconsider and must it be done at the same meeting the original vote was taken?

VIII. MEETING CIVILITY

A. CIVILITY AMONG MEMBERS OF THE COUNCIL: The Chair shall preserve order and decorum, prevent personal attacks or the impugning of motives, confine Council and members of the public to discussion of the questions under consideration, and be responsible for conducting meetings in an orderly manner.

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the entire Council, in which case the point of order shall be resolved by a vote of the majority of the members of the Council present.

During Council meetings, members of the Council shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the order of the Chair or the Rules. Every member of the Council desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the questions under debate and shall avoid all personal attacks and indecorous language. Once recognized, no member of the Council shall be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another member of the Council.

Members of the public desiring to address the Council on any item on the agenda shall be recognized by the Chair and ~~shall are requested to~~ state their names and place of residence (by address or by city, town, or county

of residence). Each member of the public shall speak in an audible tone for the record, and shall limit their remarks to the questions under discussion.